

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP (797-1101)

SUBJECT: Resolution - Plat Amendment

DG 4-1-01, Boggs Country Acres Plat - 4150 SW 76 Avenue, Generally located at the east side of SW 76 Avenue, approximately 1/4 mile north of Orange Drive.

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "BOGGS COUNTRY ACRES PLAT," AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

This request amends the restrictive note on the Plat **from** 6 detached single family units and Lot 4 is restricted to a private recreational facility; **to** 10 detached single family units and a portion of Lot 4 being restricted to a private recreational facility. The subject site was originally platted and partially developed as homesites for members of the Boggs family. The family is now prepared to develop the site to the maximum density the acreage will permit, and to sell-off the remaining lots. Approval shall be subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.

PREVIOUS ACTIONS: None

CONCURRENCES: None

FISCAL IMPACT: Not Applicable

RECOMMENDATION(S): Motion to approve subject to finding of sufficient roadway capacity.

Attachment(s): Resolution, Planning Report, Justification, Plat, Revised Site Plan, Land Use map, Subject Site map, and Aerial.

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "BOGGS COUNTRY ACRES PLAT," AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the subdivision plat known as Boggs Country Acres Plat was recorded in the public records of Broward County in Plat Book 152, Page 23; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and

WHEREAS, Broward County requires the Town of Davie concur with this revision prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve the proposed revision to the restrictive note shown on the Boggs Country Acres Plat, the proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. The approval of this Resolution is subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the request shall be deemed denied by the Town of Davie.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2001.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK
APPROVED THIS _____ DAY OF _____, 2001.

Application #: DG 4-1-01
Boggs Country Acres Plat

Revisions:

Exhibit "A"

Original Report Date: April 18, 2001

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

Applicant Information

Owner:	Agent:
Name: Lester Boggs	Name: Miller Legg Associates, Inc.
Address: 2057 Taft Street	Address: N. Douglas Road, Ste. 200
City: Hollywood, FL 33020	City: Pembroke Pines, FL 33024
Phone: (954)	Phone: (954) 436-7000

Background Information

Application Request: To amend the restrictive note on the Plat from 6 detached single family units and Lot 4 is restricted to a private recreational facility; to 10 detached single family units and a portion of Lot 4 being restricted to a private recreational facility.

Address/Location: 4150 SW 76 Avenue, Generally located at the east side of SW 76 Avenue, approximately 1/4 mile north of Orange Drive.

Land Use Plan Designation: Residential (1 du/ac)

Zoning: A-1, Agricultural District

Existing Use: 3 developed single family homes and 3 vacant single family lots together a developed private recreational facility

Proposed Use: 10 single family homesites and private recreational facility

Parcel Size: 14.76 acres (642,945.60 square feet)

Surrounding Land Use:

North: Residential (1 du/ac)
South: Residential (3 du/ac)
East: Residential (10 du/ac)
West: Regional Activity Center

Surrounding Zoning:

North: A-1, Agricultural District
South: R-3, Low Density Dwelling District
East: PRD-6.6, Planned Residential Development (6.6 du/ac)
West: A-1, Agricultural District

Zoning History

Related Zoning History: None

Previous Request on same property: The subject plat was recorded by Broward County on October 21, 1992, Plat Book 152, Page 23 of the Broward County records.

The site plan for Boggs Country Acres was approved by Town Council on March 3, 1993.

Summary of Significant Development Review Agency Comments

None

Applicable Codes and Ordinances

None

Comprehensive Plan Considerations

Planning Area: This property falls within Planning Area 8, the “Heart of Davie” and is the most diverse, characterized by older, small-scale commercial development, older single-family residential neighborhoods, and newer, large-scale multi-family residential development that serve the rapidly growing South Florida Education Center (SFEC). The planning area also encompasses the downtown Davie Business District, where western-theme architecture is required, the Davie Town Hall and Rodeo Arena, two large mobile home communities recently annexed into the Town, and industrial land.

Broward County Comprehensive Plan: The Broward County Comprehensive Plan requires that any changes to the restrictive note on the plat be reviewed and approved or disapproved by the municipality, and with final approval by Broward County Commission.

Flexibility Zone: The proposed plat is in Flexibility Zone 99.

Concurrency Considerations: Based upon the most recently distributed edition of the Broward County Overcapacity Roadway Map, the subject area is in a compact deferral area.

Applicable Goals, Objectives & Policies: Several plan policies require consideration of traffic impacts from proposed development, and maintenance of adopted levels of service (see concurrency considerations).

Staff Analysis

The subject site was originally platted and partially developed as homesites for members of the Boggs family. The family is now prepared to develop the site to the maximum density the acreage will permit, and to sell-off the remaining lots. The applicant has submitted a revised site plan for review and approval.

Staff finds the delegation request is consistent with the A-1, Agricultural District permitted uses, and is subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the delegation request shall be deemed denied by the Town of Davie.

Findings of Fact

The proposed change is not contrary to the Land Development Code or the adopted Comprehensive Plan, as amended, or any element or portion thereof.

Staff Recommendation

Recommendation: Based upon the above and the positive findings of fact, staff recommends approval of application number DG 4-1-01, subject to finding of sufficient roadway capacity.

Exhibits

Resolution, Planning Report, Justification letter, Plat, Revised Site Plan, Land Use Map, Subject Site, and Aerial

Prepared By: _____ Reviewed By: _____



"Celebrating 35 Years"

ENGINEERS • SURVEYORS & MAPPERS • PLANNERS • LANDSCAPE ARCHITECTS • GIS • ENVIRONMENTAL PROFESSIONALS

Corporate Office: 1800 North Douglas Road - Suite 200 - Pembroke Pines, FL 33024-3200
(954) 436-7000 - Fax: (954) 436-8664 - www.millerlegg.com

March 23, 2001

Ms. Geri Baluss
Town of Davie
6591 Orange Drive
Davie, FL 33314-3399

RE: Boggs Country Acres
Delegation Request - Amend the Plat Restricting Note
MLA Project No. 113971

Dear Geri:

Enclosed is a copy of the recorded plat for "Boggs Country Acres". The existing plat is restricted to 6 detached single family units and Lot 4 is restricted to a private recreational facility.

We are requesting to amend the plat note to: This plat is restricted to 10 detached single family units and a portion of Lot 4 being restricted to a private recreational facility.

It is our intent to divide the current Lot 4 into 4 individual lots. Three of the lots will be restricted to single family lots and the remaining lot will be utilized as a recreational lot.

The property is currently zoned A-1 and the owner will maintain a minimum of 35,000 square foot residential lots which will be carved out from the existing Lot 4.

Broward County requires a letter from the Town of Davie, waiving any objection to this request. Please prepare this letter at your earliest convenience and call me when it is ready to be picked up. Thank you for your considerations in this matter. If you have any questions, or require any additional information, please call.

Sincerely,

Gladys A. DiGirolamo,
Project Manager

GAD/db
Encl.
cc: Lester Boggs

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BOGGS' COUNTRY ACRES

A REPORT OF TRACT 22 AND THE BEGIN HALF OF TRACT 21 OF EVERGLADE LAND SALES COMPANY'S SUBDIVISION IN SECTION 23, TOWNSHIP 30 SOUTH, RANGE 40 EAST, ADJACENT TO THE PLAT PROPERTY RECORDED IN PLAT BOOK 158-233, PAGES 1 AND 2, LANDS (1000 AND 8000) IN THE TOWN OF LAKE, BREVARD COUNTY, FLORIDA.

BREVARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT, COUNTY SERVICES DIVISION - RECORDING SECTION
This document has been recorded in the public records of Brevard County, Florida, and is a true and correct copy of the original as recorded in the public records of Brevard County, Florida.



By [Signature]
Recorder

BREVARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT, COUNTY SERVICES DIVISION - ANALYSIS SECTION
This document has been analyzed by the County Services Division, Finance and Administrative Services Department, Brevard County, Florida, and is a true and correct copy of the original as analyzed in the public records of Brevard County, Florida.

By [Signature]
County Administrator

BREVARD COUNTY PLANNING COMMISSION
This document has been reviewed by the Planning Commission, Brevard County, Florida, and is a true and correct copy of the original as reviewed in the public records of Brevard County, Florida.

By [Signature]
Chairman

BREVARD COUNTY ENGINEERING DIVISION
This document has been reviewed by the Engineering Division, Brevard County, Florida, and is a true and correct copy of the original as reviewed in the public records of Brevard County, Florida.

By [Signature]
Engineer

BREVARD COUNTY OFFICE OF PLANNING
This document has been reviewed by the Office of Planning, Brevard County, Florida, and is a true and correct copy of the original as reviewed in the public records of Brevard County, Florida.

By [Signature]
Director

BREVARD COUNTY OFFICE OF PLANNING
This document has been reviewed by the Office of Planning, Brevard County, Florida, and is a true and correct copy of the original as reviewed in the public records of Brevard County, Florida.

By [Signature]
Director

LEGAL DESCRIPTION
Tract 22, Everglades Land Sales Company's Subdivision, Section 23, Township 30 South, Range 40 East, Adjacent to the Plat Property Recorded in Plat Book 158-233, Pages 1 and 2, Lands (1000 and 8000) in the Town of Lake, Brevard County, Florida.

LEGAL DESCRIPTION
Tract 22, Everglades Land Sales Company's Subdivision, Section 23, Township 30 South, Range 40 East, Adjacent to the Plat Property Recorded in Plat Book 158-233, Pages 1 and 2, Lands (1000 and 8000) in the Town of Lake, Brevard County, Florida.

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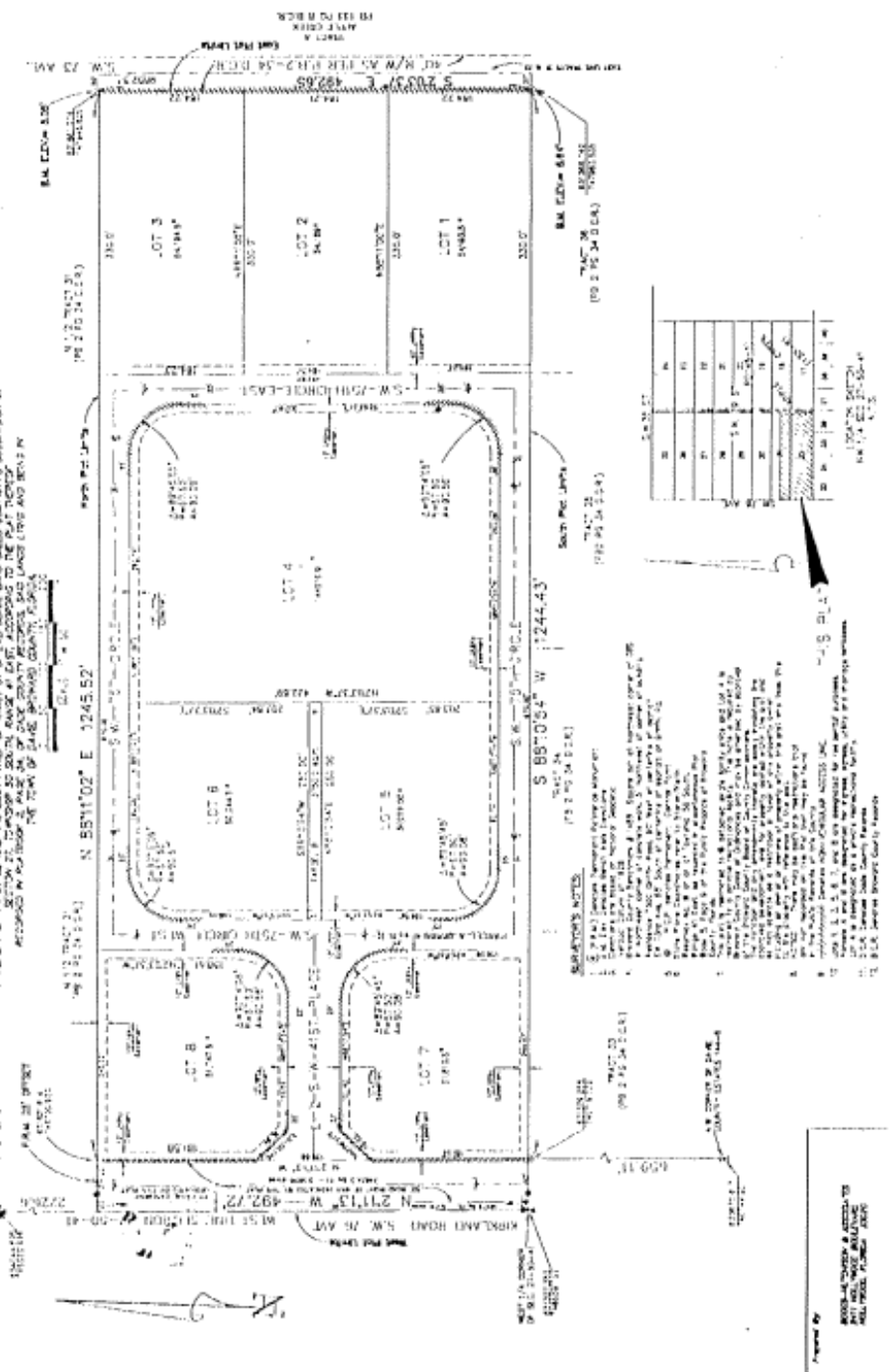
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Prepared By	Reviewed By	Approved By	Noted By
By <u>[Signature]</u>	By <u>[Signature]</u>	By <u>[Signature]</u>	By <u>[Signature]</u>
By <u>[Signature]</u>	By <u>[Signature]</u>	By <u>[Signature]</u>	By <u>[Signature]</u>

BOGGS COUNTRY ACRE

SECTION 25, TOWNSHIP 30 SOUTH, RANGE 41 EAST, ACCORDING TO THE PLAT THEREOF.





Scale 1" = 50'



CERTIFIED TO: LESTER BOGGS
 INVOICE # 13820
 DATE 05-08-2001
 REVISED LOT CONFIGURATION OF LOTS 4, 5, 6 AND PARCEL "B"
 OF BOGGS COUNTRY ACRES (PB.152 PG.23 B.C.R.)

Atlantic Coast
 SURVEYING, INC.
 LB NO. 0495
 5915 S. UNIVERSITY DR. SUITE 150A DALLAS, TEXAS 75244
 DALLAS, TEXAS 75244
 TEL: (214) 412-3338 FAX: (214) 412-3338
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Paul J. Alford
 Surveyor
 05-08-2001
 13820-13820-0000-0000
 THIS SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACT OF 1901, AND THE SURVEYOR'S SEAL IS A VALID LICENSED SURVEYOR

NUMBER	CENTRAL ANGLE	CHORD BEARING	RADIUS	ARC	LC
CURVE 1	90°14'39"	N.43°03'43"E	57.50	90.57	81.49
CURVE 2	85°45'21"	S.46°56'17"E	57.50	90.08	81.14
CURVE 3	90°14'31"	S.43°03'39"W	57.50	90.56	81.49
CURVE 4	89°45'29"	N.46°56'21"W	57.50	90.08	81.15

